

## **POLICY BULLETIN CHILD NUTRITION PROGRAMS**

**NSLP 35-06**

**December 20, 2006**

**SUBJECT: Proposed Rules for Fluid Milk Substitutions in the School Nutrition Programs**

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The attached Proposed Rule reflects amendments made by Section 102 of the Child Nutrition and WIC Reauthorization Act of 2004 to the Richard B. Russell National School Lunch Act regarding substitutes for fluid milk in the National School Lunch Program.

This proposed rule would establish nutrient standards for nondairy beverage alternatives to fluid milk and establish requirements for fluid milk substitutions for non-disabled students with medical or special dietary needs. This rule would also ensure consistency among milk substitutes and allow schools to select acceptable fluid milk substitutes that meet the nutritional standards.

The Food and Nutrition Service invites interested persons to submit comments on this proposed rule. Written comments may be submitted via email, fax, mail, hand delivery/courier, or through the Federal eRulemaking Portal at the addresses found on the first page of the proposed rules. Comments must be postmarked on or before January 8, 2007.

Refer to the National School Lunch Program Administrative Manual & Regulations Part 210.10(g) regarding exceptions and variations allowed in meals. Schools must make substitutions for students with a disability whose diet is restricted. For non-disability exceptions, schools may make substitutions for students because of medical or other special dietary needs. A school may offer nondairy milk substitutions to non-disabled students because of medical reasons or dietary restrictions. The school's choice(s) for milk substitutions must meet established nutritional standards. Expenses for milk substitutions that exceed program reimbursement must be paid by the school food authority.

Please note the attachment is a proposed rule and is not currently in effect.